

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

RICHARD SINGLETON, ET AL.

V.

VOLKSWAGEN OF AMERICA, INC.,
ET AL.

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CIVIL NO. 2:06-CV-222(TJW)

DOCKET CONTROL ORDER

In accordance with the case scheduling conference held herein on the 30th day of November, 2006, it is hereby

ORDERED that the following schedule of deadlines is in effect until further order of this court:

**Monday,
November 5, 2007**

Jury Selection - 9:00 a.m. in **Marshall, Texas**

October 29, 2007

Pretrial Conference - 9:30 a.m. in **Marshall, Texas**

October 19, 2007

Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict.

October 24, 2007

Motions in Limine (due three days before final Pretrial Conference)

Three (3) days prior to the pre-trial conference provided for herein, the parties shall furnish a copy of their respective Motions in Limine to the Court by facsimile transmission, **903/935-2295**. The parties are directed to confer and advise the Court on or before 3:00 o'clock p.m. the day before the pre-trial conference which paragraphs are agreed to and those that need to be addressed at the pre-trial conference. **The parties shall limit their motions in limine to those**

issues which, if improperly introduced into the trial of the cause, would be so prejudicial that the Court could not alleviate the prejudice with appropriate instruction(s).

October 5, 2007	Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at lssimmons@yahoo.com .
October 5, 2007	Pretrial Disclosures due
October 19, 2007	Pretrial Objections due
October 16, 2007	Response to Dispositive Motions (including <i>Daubert</i> Motions). ¹ Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.
October 2, 2007	For Filing Dispositive Motions and any other motions that may require a hearing; including <i>Daubert</i> motions.
September 19, 2007	Discovery Deadline
September 13, 2007	Defendant to Identify Trial Witnesses
August 30, 2007	Plaintiff to Identify Trial Witnesses

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The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **12 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

August 16, 2007	Defendant to Answer Amended Pleadings
August 2, 2007	Amend Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after August 2, 2007).
October 3, 2007	Mediation to be completed
July 26, 2007	Defendant to Designate Expert Witnesses Expert witness report due Refer to Local Rules for required information.
July 5, 2007	Plaintiff to Designate Expert Witnesses Expert witness report due Refer to Local Rules for required information.
July 9, 2007	Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
June 7, 2006	Join Additional Parties

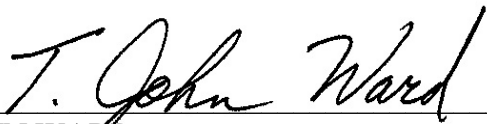
IT IS FURTHER ORDERED that Michael Phillip Patterson is hereby appointed as mediator in the above referenced case.

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.

2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
 - (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

SIGNED this 1st day of December, 2006.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE